

**ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 1:32 p.m. adjourned until 11:00 a.m. Monday, April 26, 1993.

**APPENDIX****REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

**April 22, 1993**

SUBCOMMITTEE ON ELECTIONS AND ETHICS — C.S.S.B. 1013, C.S.S.B. 309, C.S.S.B. 545

INTERGOVERNMENTAL RELATIONS — H.B. 126, H.B. 200, H.B. 298, H.B. 633, H.B. 634, H.B. 635, H.B. 871, H.B. 966, H.B. 989, H.B. 1703, C.S.S.B. 115, C.S.S.B. 264, C.S.S.B. 1093, S.B. 1285 (Amended), S.B. 1364, S.B. 1379 (Amended), C.S.S.B. 598, S.B. 686

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — H.B. 1453

EDUCATION — C.S.S.B. 1255, C.S.S.B. 1383, H.C.R. 24, S.B. 1321, S.B. 1359

FINANCE — C.S.H.B. 1270, C.S.S.B. 668, C.S.S.B. 1014, C.S.H.B. 1374, C.S.S.B. 893, S.B. 894, C.S.S.B. 1089, S.B. 573, S.B. 1293, C.S.S.J.R. 42, C.S.S.B. 1017, C.S.S.B. 892, C.S.S.B. 142

STATE AFFAIRS — C.S.H.B. 903

HEALTH AND HUMAN SERVICES — C.S.S.B. 19

ECONOMIC DEVELOPMENT — C.S.S.B. 357, S.B. 1137, S.B. 1315, H.B. 1335

FINANCE — C.S.S.J.R. 45

**FIFTY-THIRD DAY**  
(Monday, April 26, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro,

Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend George Caladis, Senior Pastor, Covenant Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, as the sunlight this morning shines pure and bright, we pray that Your presence would stream upon us, and grant us three things: wisdom to discern the best interest of the people, courage to implement the vision You show us, and a sense of humor lest we take ourselves too seriously! Amen.

On motion of Senator Parker and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 22, 1993, was dispensed with and the Journal was approved.

#### **CO-AUTHOR OF SENATE JOINT RESOLUTION 44**

On motion of Senator Harris of Dallas and by unanimous consent, Senator Lucio will be shown as Co-author of S.J.R. 44.

#### **CO-AUTHORS OF SENATE BILL 714**

On motion of Senator Ellis and by unanimous consent, Senators Rosson and West will be shown as Co-authors of S.B. 714.

#### **CO-SPONSOR OF HOUSE BILL 63**

On motion of Senator Shapiro and by unanimous consent, Senator Rosson will be shown as Co-sponsor of H.B. 63.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
April 26, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on S.B. 5. The House conferees are: Representatives Junell, Chair; McDonald, Gallego, Heflin, and Conley.

**S.B. 17**, Relating to the exemption of property in this state from the satisfaction of another state's judgment for unpaid income taxes on certain retirement benefits.

**S.B. 131**, Relating to facilities equalization for public schools. (As substituted and amended)

**S.B. 231**, Relating to the inactive status of the Southern Rolling Plains Cotton Producers Board.

**S.B. 256**, Relating to a plea of guilty or nolo contendere in a misdemeanor case.

The House has concurred in Senate amendments to H.B. 564 by a non-record vote.

The House has concurred in Senate amendments to H.B. 716 by a non-record vote.

The House has concurred in Senate amendments to **H.B. 819** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 901** by a vote of 131 Ayes, 0 Noes, 2 Present not voting.

The House has concurred in Senate amendments to **H.B. 1084** by a non-record vote.

**S.B. 428**, Relating to symbols imprinted on or molded into certain plastic containers. (As amended)

**S.B. 467**, Relating to civil penalties for violations of pipeline safety standards.

**S.B. 670**, Relating to public hearings about, and the authority of a commissioners court to delegate authority to make, traffic safety decisions in certain counties.

**H.C.R. 110**, Congratulating Scott Hoose on his receipt of a 1993 National Merit Scholarship.

**H.C.R. 111**, Commending Alma Marshall for her many outstanding contributions as an educator and community leader.

**H.C.R. 113**, Congratulating Sheryl Swoopes on her superb athletic career and her recent NCAA women's basketball championship.

**S.C.R. 69**, Commending the legal assistants of Texas for their outstanding work and the Legal Assistants Division of the State Bar of Texas for its dedication to the State of Texas.

**H.B. 8**, Relating to punishment for and civil consequences of certain offenses involving fleeing from or attempting to elude a police officer or evading arrest.

**H.B. 24**, Relating to the commission of and prosecution and punishment for the offense of criminal solicitation.

**H.B. 25**, Relating to murder committed in retaliation against certain persons as a capital offense.

**H.B. 28**, Relating to the creation of the offense of discharging a firearm at a habitation, building, or vehicle.

**H.B. 37**, Relating to the acceptance of gifts and grants by the attorney general.

**H.B. 57**, Relating to the definition of a criminal street gang for purposes of prosecution.

**H.B. 76**, Relating to the accessibility of a polling place or a precinct convention to the elderly and physically handicapped.

**H.B. 113**, Relating to an insurance claim payment held by a lender during repair of real property subject to security interest.

**H.B. 148**, Relating to the use of deadly force in defense of a person.

**H.B. 161**, Relating to an exception for certain nonprofit organizations from the requirements of the Private Investigators and Private Security Agencies Act.

**H.B. 167**, Relating to requiring safety chains for vehicles towing trailers.

**H.B. 199**, Relating to the residence of county clerk or deputy county clerk.

**H.B. 211**, Relating to the reporting of technological innovations developed by state agencies.

**H.B. 259**, Relating to the creation and administration of a linked deposit program to encourage lending to small businesses in distressed communities.

**H.B. 301**, Relating to venue in certain ad valorem tax proceedings.

**H.B. 354**, Relating to the creation of the offense of money laundering, to the offense of engaging in organized criminal activity, to prosecution and investigation of money laundering, and to forfeiture of the proceeds of money laundering.

**H.B. 364**, Relating to the regulation of telephone solicitation; providing civil and criminal penalties.

**H.B. 370**, Relating to warning signs concerning the operation of certain equipment near high voltage lines.

**H.B. 392**, Relating to justice court juries and to the penalty for filing a false claim of exemption from jury service.

**H.B. 447**, Relating to the residency of homeless individuals who register at public institutions of higher education.

**H.B. 549**, Relating to the offense of employment harmful to a person younger than 21 years of age.

**H.B. 603**, Relating to the admission of foreign exchange students to the public free schools.

**H.B. 606**, Relating to finance charge limitations.

**H.B. 662**, Relating to the fee collected by an agent who issues certain licenses under the Parks and Wildlife Code.

**H.B. 756**, Relating to the regulation of the practice of professional nursing.

**H.B. 793**, Relating to persons who may bring an original suit affecting the parent-child relationship.

**H.B. 829**, Relating to requiring a report from the General Services Commission about certain purchasing contracts awarded to nonresident bidders.

**H.B. 832**, Relating to the civil penalty a municipality may recover for a violation of certain water control ordinances.

**H.B. 847**, Relating to access to criminal history information records by the Department of Protective and Regulatory Services.

**H.B. 865**, Relating to the dissolution of inactive water districts.

**H.B. 891**, Relating to the use of revenue generated by the hotel tax by counties bordering the Gulf of Mexico.

**H.B. 908**, Relating to extended hours for the sale, delivery, consumption, and possession of alcoholic beverages.

**H.B. 923**, Relating to statewide energy policy and research.

**H.B. 977**, Relating to transferring the Law Enforcement Management Institute from the Commission on Law Enforcement Officer Standards and Education to the Texas Engineering Extension Service of The Texas A&M University System.

**H.B. 997**, Relating to receipt of funds in the Water Assistance Fund and Water Development Fund, to further the implementation of the program to assist economically distressed areas, to enhance the economic development of economically distressed areas and border counties and declaring an emergency.

**H.B. 1002**, Relating to the application of the sales and use tax to food products sold to prison inmates.

**H.B. 1010**, Relating to the state's use and acquisition of information technologies.

**H.B. 1108**, Relating to appointment of a bailiff for the 355th District Court.

**H.B. 1281**, Relating to requiring bidders for certain contracts with the Texas Department of Criminal Justice to show proof of support of employment programs for released felons and to the use of that information by the Texas Board of Criminal Justice in awarding contracts.

**H.B. 1298**, Relating to the gloves used in a boxing contest, match, or exhibition.

**H.B. 1318**, Relating to a requirement as a condition of release on parole or to mandatory supervision that certain inmates reimburse counties for medical or health care services provided to the inmates.

**H.B. 1345**, Relating to licensing of adult day-care and adult day health care facilities; providing a criminal penalty.

**H.B. 1447**, Relating to affidavits concerning cost and necessity of services in certain civil actions.

**H.B. 1538**, Relating to the authority of a municipality to receive sales and use tax information from the comptroller.

**H.B. 1550**, Relating to criminal penalties provided for violations of rules adopted by the Texas Board of Health or its authorized agents regarding on-site sewage disposal systems.

**H.B. 1587**, Relating to the operation of the state lottery; creating the State Lottery Commission.

**H.B. 1589**, Relating to the amendment of the Texas Library System to include all publicly funded libraries.

**H.B. 1598**, Relating to types of credit insurance in loan contracts.

**H.B. 1638**, Relating to the Texas Egg Law.

**H.B. 1660**, Relating to sales tax exemptions for religious, charitable, educational, and public service organizations.

**H.B. 1662**, Relating to the transfer of court-appointed volunteer advocate programs for abused or neglected children.

**H.B. 1666**, Relating to East Texas State University at Texarkana.

**H.B. 1687**, Relating to increasing grant amounts for certain agricultural programs.

**H.B. 1745**, Relating to the financing and use of certain property by a municipality or county.

**H.B. 1756**, Relating to certain transfers of property by a county purchasing agent.

**H.B. 1779**, Relating to the 225th District Court.

**H.B. 1780**, Relating to the management and operation of certain municipally owned utilities and validation of certain acts in relation to the utilities.

**H.B. 1782**, Relating to fire and police grievance procedures in certain municipalities.

**H.B. 1791**, Relating to abolishment of the state banking board and the transfer of its function to the commissioner of banking.

**H.B. 1793**, Relating to the custodians of securities pledged to secure state funds.

**H.B. 1933**, Relating to boll weevil and pink bollworm control.

**H.B. 1945**, Relating to the definition and operation of personal watercraft.

**H.B. 1974**, Relating to tax credits for the discovery of new oil or gas fields.

**H.B. 2005**, Relating to avoidance of liability by correction of certain violations of state credit law.

**H.B. 2018**, Relating to the voluntary designation of homestead.

**H.B. 2043**, Relating to the process of the Texas Water Commission.

**H.B. 2105**, Relating to citrus diseases and pests.

**H.B. 2113**, Relating to the appointment of hearing officers for criminal and mental health cases in certain courts.

**H.B. 2133**, Relating to the investment of funds of the Lavaca Hospital District.

**H.B. 2185**, Relating to findings in child support orders.

**H.B. 2194**, Relating to the board of directors of a bank owned or controlled by an out-of-state bank holding company.

**H.B. 2203**, Relating to educational programs for students with disabilities.

**H.B. 2219**, Relating to the re-creation of the Texas-Israel Semi-Arid Fund as the Texas-Israel Exchange Fund and to the powers and duties of that board.

**H.B. 2220**, Relating to the authority of the Texas Department of Agriculture to sell publications and collect publication fees.

**H.B. 2264**, Relating to representation of the Office of the State Long-Term Care Ombudsman of the Department on Aging.

**H.B. 2282**, Relating to certain hotel facilities.

**H.B. 2289**, Relating to the continuation and composition of the Texas Board of Architectural Examiners and the board's functions regarding interior designers.

**H.B. 2306**, Relating to the issuance of refunding bonds.

**H.B. 2313**, Relating to the application for or issuance of search warrants by means of an electronic or electromagnetic facsimile device.

**H.B. 2321**, Relating to the invoicing, delivery and packaging of alcoholic beverages.

**H.B. 2334**, Relating to academic excellence indicators.

**H.B. 2369**, Relating to recovery of over allocated Foundation School Funds.

**H.B. 2393**, Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations.

**H.B. 2432**, Relating to cost recovery by the state under the Solid Waste Disposal Act; providing penalties.

**H.B. 2434**, Relating to ex parte communications in contested cases involving hazardous waste permits.

**H.B. 2460**, Relating to the exclusion of nonirrigated or nonirrigable property located within the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

**H.B. 2493**, Relating to the enforcement of seed inspection and labeling requirements.

**H.B. 2558**, Relating to the financing of property and improvements by a community center.

**H.B. 2632**, Relating to the terms of court and places for holding court of justice of the peace courts in counties having a population less than 30,000.

**H.B. 2671**, Relating to the sale or trade of a park under two acres that is no longer useable and functional as a park.

**H.B. 2740**, Relating to the service area for operation of a municipal drainage system and collection of drainage charges.

**H.B. 2771**, Relating to the regulation of bingo; providing penalties; imposing taxes.

**H.B. 2795**, Relating to venue of suits against the Ector County Hospital District and its hospital system, contracting for the use, purchase or other acquisition of personal property and issuing obligations of the Ector County Hospital District, payment of revenue bonds and validating and confirming acts of the district.

**H.B. 2799**, Relating to public retirement systems for employees of certain municipalities.

**H.B. 2821**, Relating to the creation of the County Court at Law No. 3 of Fort Bend County.

The House has concurred in Senate amendments to **H.B. 155** by a vote of 130 Ayes, 0 Noes, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

<b>S.B. 1404</b>	<b>S.B. 1414</b>
<b>S.B. 1405</b>	<b>S.B. 1415</b>
<b>S.B. 1406</b>	<b>S.B. 1416</b>
<b>S.B. 1407</b>	<b>S.B. 1417</b>
<b>S.B. 1408</b>	<b>S.B. 1418</b>
<b>S.B. 1411</b>	<b>S.B. 1419</b>
<b>S.B. 1412</b>	<b>S.B. 1420</b>
<b>S.B. 1413</b>	<b>S.B. 1421</b>

#### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

**S.B. 1404** by Harris of Tarrant Criminal Justice  
Relating to the statute of limitations for purposes of prosecutions of certain sexual offenses committed against children and for the purpose of bringing suit on a cause of action for sexual assault on a child.

**S.B. 1405** by Harris of Tarrant Jurisprudence  
Relating to the enforcement, collection, and withholding of income for child support.

**S.B. 1406** by Harris of Tarrant Jurisprudence  
Relating to the establishment or modification of a child support order, including guidelines for the support of children in more than one household.

**S.B. 1407** by Harris of Tarrant Jurisprudence  
Relating to the rights, privileges, duties, and powers of conservators.

**S.B. 1408** by West, Barrientos, Ellis, Luna, Parker, Rosson, Shapiro, Shelley, Turner, Whitmire, Zaffirini, Harris of Tarrant, Henderson, Armbrister, Haley, Leedom, Montford, Lucio, Carriker, Madla, Truan State Affairs

Relating to discrimination by certain accommodations and associations; imposing civil and criminal penalties.

**S.B. 1411** by Zaffirini Intergovernmental Relations  
Relating to zoning around certain sites in Kinney County; providing penalties.

**S.B. 1412** by Parker State Affairs  
Relating to motor fuel marketing and prohibited business practices, providing exemptions.

**S.B. 1413** by Luna Health and Human Services  
Relating to fees charged by health care providers or health care facilities for certain medical or mental health records.

**S.B. 1414** by Brown Criminal Justice  
Relating to the admissibility of evidence in criminal cases.

**S.B. 1415** by Nelson Natural Resources  
Relating to the creation of a game sanctuary along the Brazos River in Palo Pinto and Parker counties; providing a penalty.

**S.B. 1416** by Harris of Tarrant Jurisprudence  
Relating to the rights and privileges of a conservator of a child and to the terms and conditions of orders providing for the possession of a child, including guidelines.

**S.B. 1417** by Harris of Tarrant Jurisprudence  
Relating to the appointment of a master in certain child support cases.

**S.B. 1418** by Zaffirini Natural Resources  
Relating to the Texas Low-Level Radioactive Waste Disposal Authority.

**S.B. 1419** by Sims Education  
Relating to the taxable value of property in certain school districts.

**S.B. 1420** by Leedom Education  
Relating to the leasing of property by an institution of higher education to a private business.

**S.B. 1421** by Armbrister Health and Human Services  
Relating to the regulation of food service establishments, retail food stores, mobile food units, or temporary food service establishments not regulated by counties or public health districts; providing penalties.

#### **HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

**H.C.R. 3** to Committee on International Relations, Trade, and Technology.

**H.C.R. 68** to Committee on Education.

**H.C.R. 70** to Committee on Education.

**H.B. 216** to Committee on State Affairs.

**H.B. 333** to Committee on Intergovernmental Relations.

**H.B. 407** to Committee on State Affairs.

**H.B. 520** to Committee on Economic Development.  
**H.B. 779** to Committee on Health and Human Services.  
**H.B. 824** to Committee on Intergovernmental Relations.  
**H.B. 1368** to Committee on Criminal Justice.  
**H.B. 1467** to Committee on Education.  
**H.B. 1920** to Committee on Intergovernmental Relations.  
**H.B. 2602** to Committee on Economic Development.

#### CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Hugh Wilson of Hale Center, was introduced to the Senate by Senator Montford.

The Senate expressed appreciation and gratitude to Dr. Wilson for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### GUEST PRESENTED

The President introduced to the Senate Mrs. Beverly Parker, wife of Senator Parker.

The Senate welcomed Mrs. Parker.

#### BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

<b>H.C.R. 117</b>	<b>H.B. 840</b>
<b>H.B. 1320</b>	<b>H.B. 953</b>
<b>H.B. 154</b>	<b>H.B. 974</b>
<b>H.B. 86</b>	<b>H.B. 176</b>
<b>H.B. 684</b>	<b>H.B. 753</b>
<b>H.B. 45</b>	<b>H.B. 721</b>
<b>H.B. 1031</b>	<b>S.B. 348</b>
<b>H.B. 536</b>	<b>S.B. 469</b>
<b>H.B. 864</b>	<b>S.B. 610</b>
<b>H.B. 208</b>	<b>S.B. 779</b>
<b>H.B. 1076</b>	<b>S.B. 1018</b>
<b>H.B. 109</b>	

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
 April 26, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

On March 30, 1993, I submitted the name of Angel M. Ramos of Rowlett for appointment to the Governing Board of the Texas School for the Deaf.

Mr. Ramos has asked that his nomination to this board be withdrawn and; therefore, I request that the Senate return his appointment to me.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 26, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS STATE BOARD OF PUBLIC  
ACCOUNTANCY for terms to expire January 31, 1999:

WANDA LORENZ  
6519 Camille  
Dallas, Texas 75252

Ms. Lorenz will be replacing John F. Lanier, Jr., of Austin, whose term expired.

NITA J. DODSON, Ph.D.  
805 Lakeshore Dr.  
Rockwall, Texas 75087

Dr. Dodson will be replacing Ladelle M. Hyman of Houston, whose term expired.

TO BE MEMBERS OF THE UPPER GUADALUPE RIVER AUTHORITY  
BOARD OF DIRECTORS for terms to expire February 1, 1997:

JOHN R. MOSTY  
P. O. Box 175  
Center Point, Texas 78010

Mr. Mosty will be replacing Richard G. Eastland of Hunt, whose term expired.

WALDEAN GROFF  
408 Harper Road  
Kerrville, Texas 78028

Ms. Groff will be replacing H. Ritman Johns of Kerrville, whose term expired.

TO BE MEMBERS OF THE UPPER GUADALUPE RIVER AUTHORITY  
BOARD OF DIRECTORS for terms to expire February 1, 1999:

LARESA SMITH  
113 Pearl Street  
Kerrville, Texas 78028

Ms. Smith will be replacing T. Beck Gipson of Kerrville, whose term expired.

GEORGIA H. CHRISTLEY  
600 Cardinal Drive  
Kerrville, Texas 78028

Ms. Christley will be replacing A. J. Brough of Kerrville, whose term expired.

ERNEST LINARES  
136 Stephanie Drive  
Kerrville, Texas 78028

Mr. Linares will be replacing Lorita Ann Tipton of Kerrville, whose term expired.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

#### **HOUSE BILL 638 REREFERRED**

On motion of Senator Carriker and by unanimous consent, **H.B. 638** was withdrawn from the Committee of the Whole Senate on Redistricting, Ethics and Elections and was rereferred to the Committee of the Whole Senate on Redistricting, Ethics and Elections, Subcommittee on Elections and Ethics.

#### **SENATE RULE 11.19 SUSPENDED (Posting Rule)**

On motion of Senator Carriker and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee of the Whole Senate on Redistricting, Ethics and Elections, Subcommittee on Elections and Ethics, might consider **H.B. 638** today.

#### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Barrientos submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Chief Administrative Law Judge of the STATE OFFICE OF ADMINISTRATIVE HEARINGS: Steven L. Martin, Travis County.

To be Members of the TEXAS ANIMAL HEALTH COMMISSION: Jack R. Gardner, Nacogdoches County; Joan Negley Kelleher, Bexar County; Dr. Charles R. Sherron, Jefferson County; David William Winters, Val Verde County.

To be a Member of the BOARD OF DIRECTORS OF THE STATE BAR OF TEXAS (Appointed by the Supreme Court of Texas): Dr. John R. Coppedge, Gregg County.

To be a Member of the FINANCE COMMISSION OF TEXAS: Hubert Bell, Jr., Bastrop County.

To be Members of the MOTOR VEHICLE BOARD OF THE TEXAS DEPARTMENT OF TRANSPORTATION: Delma J. Abalos, Ector County; Robyn Ray Brumbelow, Gregg County; T. J. Connolly, Bexar County; Laurie Brown Watson, Travis County; Stephen Paul Webb, Travis County.

To be a Member of the TEXAS AGRICULTURAL FINANCE AUTHORITY BOARD OF DIRECTORS: Marvin A. Gregory, Hopkins County.

To be a Member of the INTERAGENCY COUNCIL ON AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS: Jeanie Pemberton, Denton County.

To be a Member of the CENTRAL COLORADO RIVER AUTHORITY BOARD OF DIRECTORS: Jimmie S. Hobbs, Coleman County.

To be a Member of the TEXAS DIABETES COUNCIL: Raymond J. Snokhous, Harris County.

To be a Member of the FAMILY FARM AND RANCH ADVISORY COUNCIL: Joe David Rankin, Crosby County.

To be Members of the FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE: Lillie Aguilar, Lubbock County; Judith A. Youngs, Henderson County.

To be a Member of the GULF COAST WASTE DISPOSAL AUTHORITY BOARD OF DIRECTORS: Roy E. Byerly, Galveston County.

To be Members of the TEXAS HISTORICAL COMMISSION: Jan Felts Bullock, Travis County; Mrs. H. L. (Virginia) Long, Gregg County; John Liston Nau III, Harris County; Rose T. Trevino, Webb County.

To be a Member of the PRODUCE RECOVERY FUND BOARD: Juan Fermin Leal, Cameron County.

To be Members of the STATE SEED AND PLANT BOARD: Charles A. Leamons, Colorado County; Alfred L. Martin, Navarro County; G. F. "Buz" Poage, Hockley County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

#### **NOMINATION RETURNED**

On motion of Senator Barrientos and by unanimous consent, the Senate agreed to grant the request to return to the Governor the nomination of Angel M. Ramos of Rowlett, to be a Member of the Governing Board of the Texas School for the Deaf.

#### **SENATE BILL 609 WITH HOUSE AMENDMENTS**

Senator Armbrister called S.B. 609 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment No. 1**

Amend S.B. 609 as follows:

(1) In Section 1 of the bill, strike Subdivision (2) of added Section 76.101(d), Agriculture Code, and substitute the following:

(2) Nothing in this subsection shall be construed to limit the authority of a city, town, or county to:

(A) zone for the sale or storage of such products;

(B) adopt fire or building regulations as preventative measures to protect the public and emergency services personnel from an accident or emergency involving such products, including regulations governing the storage of such products or governing fumigation and thermal insecticidal fogging operations;

(C) provide or designate sites for the disposal of such products;

(D) route hazardous materials; or

(E) regulate discharge to sanitary sewer systems.

(2) In Section 1 of the bill, in Subdivision (3) of added Section 76.101(d), Agriculture Code, in the second sentence of that subdivision, strike "section" and substitute "subsection".

(3) In Section 1 of the bill, in added Section 76.101(d), Agriculture Code, add a new Subdivision (4) to read as follows:

(4) Nothing in this subsection may be construed to affect Chapter 75 of this code.

(4) In Section 2 of the bill, in added Section 11C, Texas Structural Pest Control Act, strike Subsection (b) and substitute the following:

(b) Nothing in this section shall be construed to limit the authority of a city, town, or county to:

(A) zone for the sale or storage of such products;

(B) adopt fire or building regulations as preventative measures to protect the public and emergency services personnel from an accident or emergency involving such products, including regulations governing the storage of such products or governing fumigation and thermal insecticidal fogging operations;

(C) provide or designate sites for the disposal of such products;

(D) route hazardous materials; or

(E) regulate discharge to sanitary sewer systems.

**Amendment No. 1 on Third Reading**

Amend S.B. 609 as follows:

(1) On page 1, line 11, between "county" and "to", insert "to encourage locally approved and provided educational material concerning a pesticide."

(2) On page 2, line 11, between "county" and "to", insert "to encourage locally approved and provided educational material concerning a pesticide.".

The amendments were read.

Senator Armbrister moved to concur in the House amendments to **S.B. 609**.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Parker, Truan, West, Zaffirini.

**(Senator Wentworth in Chair)**

**SENATE RESOLUTION 664**

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome Tadanabu Umeyama and a delegation of Executive Board Members from Zendentsu, Japan Telecommunications Workers Union, to the Capital City; and

WHEREAS, These distinguished visitors have journeyed from Oita Shi, Japan, to renew their ties of friendship with members of Local 6132 Communications Workers of America in Austin; and

WHEREAS, During their visit, the members of both unions will broaden their understanding of and appreciation for each other's cultures and countries; and

WHEREAS, While in Texas, the visitors will have an opportunity to experience Texas warmth and hospitality firsthand, and their friends at Local 6132 are eager to reveal the mysteries shrouding barbecue, Stetsons, and J. R. Ewing; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend best wishes to the Executive Board Members from Zendentsu for a most enjoyable and rewarding sojourn in the Lone Star State; and, be it further

RESOLVED, That a copy of this Resolution be prepared for each member as an expression of high esteem and respect from the Texas Senate.

The resolution was previously read and adopted on Wednesday, April 21, 1993.

On motion of Senator Zaffirini and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

**GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate a delegation of Executive Board Members from Zendentsu, Japan Telecommunications Workers Union, of Oita Shi, Japan: Tadanabu Umeyama, President of Zendentsu Oita Branch; Mrs. Kumiko Umeyama; Mariko Matsubayashi, Executive Board Member of Oita Branch; Hiroyuki Yoshitani, Executive Board Member of the Oita sub Branch; and Mrs. Yumi Yoshitani.

The Senate welcomed its distinguished guests.

(President in Chair)

#### LEAVE OF ABSENCE

On motion of Senator Harris of Dallas, Senator Ratliff was granted a temporary leave of absence today on account of important business.

#### FLOOR PRIVILEGES GRANTED

On motion of Senator Parker and by unanimous consent, floor privileges were granted to Caryn Cosper, Administrative Assistant to Senator Parker, during the deliberation of C.S.S.B. 498.

#### COMMITTEE SUBSTITUTE

#### SENATE BILL 498 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 498**, Relating to continuation, operations, and functions of the Public Utility Commission of Texas and the Office of Public Utility Counsel; providing penalties.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend C.S.S.B. 498 as follows:

- 1) On page 4, line 5, between "fuel," and "services", insert "utility related".
- 2) On page 4, line 5, between "or" and "products", insert "utility related".
- 3) On page 4, line 27, after "holdings", insert "at the time of appointment".
- 4) On page 4, line 57, strike "section" and insert "Act".
- 5) On page 4, line 60, between "provides" and "goods", insert "utility related".
- 6) On page 4, line 60, between "goods," and "products", insert "utility related".
- 7) On page 4, line 60, between "or" and "services" insert "utility related".
- 8) On page 4, line 63, strike "lesser" and insert "greater".

The amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the bill:

#### Floor Amendment No. 2

Amend C.S.S.B. 498 as follows:

1. On page 15, line 30 remove "or to make a major modification to an existing plant".
2. On page 16, line 61 remove "or major modification".

3. On page 18, line 15 remove “, or modification thereto,”.

The amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend C.S.S.B. 498 as follows:

(1) In Section 2.07 of the bill, in added Section 19(g)(2), Article 1446c (Committee Printing page 15, line 41), after the semicolon strike “and”.

(2) In Section 2.07 of the bill, in added Section 19(g)(3), Article 1446c (Committee Printing page 15, line 53), strike the underlined period and substitute the following:

: and

(4) the plan demonstrates the participation of nongenerating utilities in the development of the plan. if the utility makes wholesale sales to nongenerating utilities.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend C.S.S.B. 498 as follows:

On page 16, delete Section 19 (o), which reads:

“(o) In addition to its other authority and responsibility under this section, the commission shall establish rules and guidelines which will ensure that renewable energy technologies compose at least two percent of the state’s electric power generation capacity by the year 2000.

And insert the following:

(o) In addition to its other authority and responsibility under this section, the commission shall establish rules and guidelines which will ensure the development of renewable energy technologies consistent with the criteria of the Integrated Resource Planning process.

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend C.S.S.B. 498, as reported, as follows:

1. On page 18 delete lines 14-18 and substitute the following:

(c) The commission may revoke a certificate for a generating plant under construction if the commission finds that construction of the plant is no longer the lowest cost option taking into consideration the cost to complete the plant relative to other alternatives and finds that it is no longer in the public interest. The commission shall provide appropriate treatment for all prudent expenditures associated with the planning, design, construction, cancellation and dismantlement of the plant.

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend C.S.S.B. 498 by adding a new Section 5.07 (Committee printing page 37, between lines 48 and 49), to read as follows:

SECTION 5.07. Article XIII, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended by adding Section 88B to read as follows:

Sec. 88B. (a) If the United States Congress enacts an energy tax based on British thermal units (BTU) and the tax becomes law, each electric utility shall state on each customer's bill the amount included in the bill that is derived from that tax.

(b) The commission by rule shall prescribe the procedure an electric utility shall use to determine the amount derived from the tax and shall specify the form used for the statement.

The amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTES**

Senators Barrientos, Rosson, and Truan asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Haley offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend C.S.S.B. 498 on page 40 at lines 49 and 50 by striking the following:

"including gas and electric utilities."

The amendment was read.

On motion of Senator Haley and by unanimous consent, the amendment was withdrawn.

Senator Turner offered the following amendment to the bill:

**Floor Amendment No. 7A**

Amend C.S.S.B. 498 on page 40 at lines 49 and 50 by striking the phrase "including gas and electric utilities" and replacing it with the phrase "except for gas utilities".

The amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Rosson asked to be recorded as voting "Nay" on the adoption of the amendment.

(Senator Harris of Dallas in Chair)

Senator Haley offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend C.S.S.B. 498 by striking Sections 7.03 and 7.04 of the bill (Committee printing page 42, lines 30-43) and substituting the following:  
SECTION 7.03. Until September 1, 1995, the Public Utility

Commission of Texas shall compute federal income tax expense for inclusion in utility rates in a manner that is consistent with the normalization rules relating to investment tax credits and accelerated depreciation contained in the Internal Revenue Code of 1986.

SECTION 7.04. The method of calculating income taxes and the treatment of federal income tax expenses and savings for ratemaking purposes for investor owned electric utilities that serve fewer than 225,000 customers in at least two states shall be the same as the method adopted by the Public Utility Commission of Texas in commission rate orders signed and dated between September 1, 1988, and September 1, 1992. This section governs all proceedings, orders, judgments, and decrees in rate applications relating to such investor owned electric utilities that are pending or are subject to or on appeal as of the date of enactment of this Act, before any regulatory authority or court, and to all such rate applications filed until the Legislature of the State of Texas takes action on the study required by Section 7.01 of this Act.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend C.S.S.B. 498 by striking Section 7.02(b) of the bill (Committee Printing page 42, lines 17-29) and substituting the following:

(b) Effective September 1, 1995, Section 18, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. (a) ~~[It is the policy of this state to protect the public interest in having adequate and efficient telecommunications service available to all citizens of the state at just, fair, and reasonable rates.]~~ The legislature finds that the interexchange telecommunications industry through technical advancements, federal judicial and administrative actions, and the formulation of new telecommunications enterprises has become and will continue to be in many and growing areas a competitive industry which does not lend itself to traditional public utility regulatory rules, policies, and principles; and that therefore, the public interest requires that new rules, policies, and principles be formulated and applied to protect the public interest and to provide equal opportunity to all interexchange telecommunications utilities in a competitive marketplace. It is the purpose of this section to grant to the commission the authority and the power under this Act to carry out the public policy herein stated.

(b) ~~[Subject to the limitations imposed in this Act, and for the purpose of carrying out the public policy above stated and of regulating rates, operations, and services so that such rates may be just, fair, and reasonable, and the services adequate and efficient, the commission shall have exclusive original jurisdiction over the business and property of all telecommunications utilities in this state. In the exercise of its jurisdiction to regulate the rates, operations, and services of a telecommunications utility providing service in a municipality on the state line adjacent to a municipality in an adjoining state, the commission may cooperate with the~~

~~utility regulatory commission of the adjoining state or the federal government and may hold joint hearings and make joint investigations with any of those commissions.~~

~~[(e)]~~ Except as provided by Subsections (e) and (f) of this section and Section 18A of this Act, the commission shall only have the following jurisdiction over all telecommunications utilities that are interexchange telecommunications carriers but who are not certificated local exchange companies [dominant carriers]:

(1) to require registration as provided in Subsection ~~(c)~~ ~~[(d)]~~ of this section;

(2) to conduct such investigations as are necessary to determine the existence, impact, and scope of competition in the telecommunications industry, ~~[including identifying dominant carriers and defining the telecommunications market or markets;]~~ and in connection therewith may call and hold hearings, issue subpoenas to compel the attendance of witnesses and the production of papers and documents, and make findings of fact and decisions with respect to administering the provisions of this Act or the rules, orders, and other actions of the commission;

(3) to require the filing of such reports as the commission may direct from time to time;

(4) to require the maintenance of statewide average rates or prices of telecommunications service;

(5) to require that every local exchange area have access to interexchange telecommunications service, except that an interexchange telecommunications carrier must be allowed to discontinue service to a local exchange area if comparable service is available in the area and the discontinuance is not contrary to the public interest. This section does not authorize the commission to require an interexchange telecommunications carrier that has not provided services to a local exchange area during the previous 12 months and that has never provided services to that same local exchange area for a cumulative period of one year at any time in the past to initiate services to that local exchange area; and

(6) to require the quality of interexchange telecommunications service provided in each exchange to be adequate to protect the public interest and the interests of customers of that exchange if the commission determines that service to a local exchange has deteriorated to the point that long distance service is not reliable.

~~(c)~~ ~~[(d)]~~ All providers of communications service described in Subsection ~~(b)~~ ~~[(e)]~~ of this section who are providing such service to the public on the effective date of this Act shall register with the commission within 90 days of the effective date of this Act unless the provider has previously registered with the commission. All providers of communications service described in Subsection ~~(b)~~ ~~[(e)]~~ of this section who commence such service to the public thereafter shall register with the commission within 30 days of commencing service. Such registration shall be accomplished by filing with the commission a description of the location and type of service provided, the cost to the public of such service, and such other registration information as the commission may

direct. Notwithstanding any other provision of this Act, an interexchange telecommunications carrier doing business in this state shall continue to maintain on file with the commission tariffs or lists governing the terms of providing its services.

~~(d) [(c)(1) For the purpose of carrying out the public policy stated in Subsection (a) of this section and any other section of this Act notwithstanding, the commission is granted all necessary power and authority under this Act to promulgate rules and establish procedures applicable to local exchange companies for determining the level of competition in specific telecommunications markets and submarkets and providing appropriate regulatory treatment to allow local exchange companies to respond to significant competitive challenges. Nothing in this section is intended to change the burden of proof of the local exchange company under Sections 38, 39, 40, and 41 of Article VI of this Act.~~

~~[(2) In determining the level of competition in a specific market or submarket, the commission shall hold an evidentiary hearing to consider the following:~~

~~[(A) the number and size of telecommunications utilities or other persons providing the same, equivalent, or substitutable service;~~

~~[(B) the extent to which the same, equivalent, or substitutable service is available;~~

~~[(C) the ability of customers to obtain the same, equivalent, or substitutable services at comparable rates, terms, and conditions;~~

~~[(D) the ability of telecommunications utilities or other persons to make the same, equivalent, or substitutable service readily available at comparable rates, terms, and conditions;~~

~~[(E) the existence of any significant barrier to the entry or exit of a provider of the service; and~~

~~[(F) other relevant information deemed appropriate.~~

~~[(3) The regulatory treatments which the commission may implement include but are not limited to:~~

~~[(A) approval of a range of rates for a specific service;~~

~~[(B) approval of customer-specific contracts for a specific service; provided, however, that the commission shall approve a contract to provide central office based PBX-type services for systems of 200 stations or more, billing and collection services, high-speed private line services of 1.544 megabits or greater, and customized services, provided that the contract is filed at least 30 days before initiation of the service contracted for; that the contract is accompanied with an affidavit from the person or entity contracting for the telecommunications service stating that he considered the acquisition of the same, equivalent, or substitutable services by bid or quotation from a source other than the local exchange company; that the local exchange company is recovering the appropriate costs of providing the services; and that approval of the contract is in the public interest. The contract shall be approved or denied within 30 days after filing, unless the commission for good cause extends the effective date for an additional 35 days; and~~

~~[(C) the detariffing of rates.~~

~~[(f) Moreover, in order to encourage the rapid introduction of new or experimental services or promotional rates, the commission shall promulgate rules and establish procedures which allow the expedited introduction of, the establishment and adjustment of rates for, and withdrawal of such services, including requests for such services made to the commission by the governing body of a municipality served by a local exchange company having more than 500,000 access lines throughout the state. Rates established or adjusted at the request of a municipality may not result in higher rates for ratepayers outside the boundaries of the municipality and may not include any rates for local exchange company interexchange services or interexchange carrier access service.~~

~~[(g) In promulgating new rules and establishing the procedures contemplated in Subsections (c) and (f) of this section, the commission shall seek to balance the public interest in a technologically advanced telecommunications system providing a wide range of new and innovative services with traditional regulatory concerns for preserving universal service, prohibiting anticompetitive practices, and preventing the subsidization of competitive services with revenues from regulated monopoly services. The commission shall promulgate these rules and establish these procedures so as to incorporate an appropriate mix of regulatory and market mechanisms reflecting the level and nature of competition in the marketplace. Rates established under Subsections (c) and (f) of this section shall not be (1) unreasonably preferential, prejudicial, or discriminatory; (2) subsidized either directly or indirectly by regulated monopoly services; or (3) predatory or anticompetitive.~~

~~[(h) The commission shall initiate a rulemaking proceeding and take public comment and promulgate rules which prescribe the standards necessary to ensure that all rates set under the provisions of this section cover their appropriate costs as determined by the commission. Until such rules are promulgated, the commission shall use a costing methodology that is in the public interest in determining whether the rates set under the provisions of this section cover their appropriate costs.~~

~~[(i) The commission is granted all necessary power and authority to prescribe and collect fees and assessments from local exchange companies necessary to recover the commission's and the Office of Public Utility Counsel's costs of activities carried out and services provided under Subsections (c), (f), (g), (h), (i), (j), and (k) of this section.~~

~~[(j) Subsections (c) and (f) of this section are not applicable to basic local exchange service, including local measured service. Paragraph (B) of Subdivision (3) of Subsection (c) of this section is not applicable to message telecommunications services, switched access services for interexchange carriers, or wide area telecommunications service. A local exchange company may not price similar services provided pursuant to contracts under Paragraph (B) of Subdivision (3) of Subsection (c) of this section in an unreasonably discriminatory manner. For purposes of this section, similar services shall be defined as those services which are provided at or near the same point in time, which have the same~~

~~characteristics and which are provided under the same or similar circumstances.~~

~~(k)~~ Before January 15 of each odd-numbered year, the commission shall report to the legislature on the scope of competition in regulated telecommunications markets and the impact of competition on customers in both competitive and noncompetitive markets, with a specific focus on rural markets. The report shall include an assessment of the impact of competition on the rates and availability of telecommunications services for residential and business customers and shall specifically address any effects on universal service. The report shall provide a summary of commission actions over the preceding two years which reflect changes in the scope of competition in regulated telecommunications markets. The report shall also include recommendations to the legislature for further legislation which the commission finds appropriate to promote the public interest in the context of a partially competitive telecommunications market.

~~(e)~~ ~~(t)~~ Notwithstanding any other provision of this Act, the commission may enter such orders as may be necessary to protect the public interest, including the imposition on any specific service or services of its full regulatory authority under Articles III through XI of this Act, if the commission upon complaint from another interexchange telecommunications carrier finds by a preponderance of the evidence upon notice and hearing that an interexchange telecommunications carrier has engaged in predatory pricing or attempted to engage in predatory pricing ~~[conduct that demonstrates the ability to control prices in a manner adverse to the public interest].~~

~~(f)~~ ~~(m)~~ Notwithstanding any other provision of this Act, the commission may enter such orders as may be necessary to protect the public interest if the commission finds upon notice and hearing that an interexchange telecommunications carrier has:

- (1) failed to maintain statewide average rates;
- (2) abandoned interexchange message telecommunications service to a local exchange area in a manner contrary to the public interest; or
- (3) engaged in a pattern of preferential or discriminatory activities prohibited by Sections 45 and 47 of this Act, except that nothing in this Act shall prohibit volume discounts or other discounts based on reasonable business purposes.

~~(g)~~ ~~(n)~~ In any proceeding before the commission alleging conduct or activities by an interexchange telecommunications carrier against another interexchange carrier in contravention of Subsections ~~(e), (f), and (h)~~ ~~(t), (m), and (o)~~ of this section, the burden of proof shall be upon the complaining interexchange telecommunications carrier; however, in such proceedings brought by customers or their representatives who are not themselves interexchange telecommunications carriers or in such proceedings initiated by the commission ~~[commission's general counsel]~~, the burden of proof shall be upon the respondent interexchange telecommunications carrier. However, if the commission finds it to be in the public interest, the commission may impose the burden of proof in such proceedings on the complaining party.

(h) ~~(o)~~ The commission shall have the authority to require that a service provided by an interexchange telecommunications carrier described in Subsection (b) ~~(e)~~ of this section be made available in an exchange served by the carrier within a reasonable time after receipt of a bona fide request for such service in that exchange, subject to the ability of the local exchange carrier to provide the required access or other service. No carrier shall be required to extend a service to an area if provision of that service would impose, after consideration of the public interest to be served, unreasonable costs upon or require unreasonable investments by the interexchange telecommunications carrier. The commission may require such information from interexchange carriers and local exchange carriers as may be necessary to enforce this provision.

~~(i) (p) Before January 15 of each odd-numbered year, the commission shall report to the legislature on the scope of competition in regulated telecommunications markets and the impact of competition on customers in both competitive and noncompetitive markets, with a specific focus on rural markets. The report shall include an assessment of the impact of competition on the rates and availability of telecommunications services for residential and business customers and shall specifically address any effects on universal service. The report shall provide a summary of commission actions over the preceding two years that reflect changes in the scope of competition in regulated telecommunications markets. The report shall also include recommendations to the legislature for further legislation that the commission finds appropriate to promote the public interest in the context of a partially competitive telecommunications market.~~

~~(q)~~ The commission may exempt from any requirement of this section an interexchange telecommunications carrier that the commission determines does not have a significant effect on the public interest, and it may exempt any interexchange carrier which solely relies on the facilities of others to complete long distance calls if the commission deems this action to be in the public interest.

~~(j) (r) Requirements imposed by Subsections (b), (c), (e), (f), (g), (h), (i), and (k) ~~(e), (d), (l), (m), (n), (o), (p), and (q)~~ of this section on ~~an~~ interexchange telecommunications carriers who are not certificated local exchange companies ~~carrier~~ shall apply to other ~~non~~dominant carriers who are not certificated local exchange companies ~~and shall constitute the minimum requirements to be imposed by the commission for any dominant carrier~~.~~

~~(k) The commission shall have exclusive original jurisdiction over interexchange telecommunications carriers. For purposes of this section, interexchange telecommunications carriers (including resellers of interexchange telecommunications services), specialized communications common carriers, other resellers of communications, other communications carriers who convey, transmit, or receive communications in whole or in part over a telephone system, and providers of operator services as defined by Section 18A(a) of this Act (except that subscribers to customer-owned pay telephone service shall not be deemed to be telecommunications utilities) are telecommunications utilities, but the commission's regulatory authority as to them is only as provided by this Section.~~

(c) The following provisions of the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) are repealed effective September 1, 1995:

- (1) Subsection (i), Section 43;
- (2) Section 43A;
- (3) Section 43B;
- (4) Section 43C;
- (5) Section 61;
- (6) Section 93;
- (7) Section 93B;
- (8) Article XIV; and
- (9) Article XV.

The amendment was read and was adopted by a viva voce vote.

Senator Haley offered the following amendment to the bill:

**Floor Amendment No. 10**

Amend C.S.S.B. 498 as follows:

(1) Strike Section 2.06 of the bill (Committee Printing page 14, lines 48-63) and substitute the following:

SECTION 2.06. (a) Sections 18(c), (d), (l), and (n), Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) Except as provided by Subsections (l) and (m) of this section and Section 18A of this Act, the commission shall only have the following jurisdiction over all telecommunications utilities who are not dominant carriers:

(1) to require registration as provided in Subsection (d) of this section;

(2) to conduct such investigations as are necessary to determine the existence, impact, and scope of competition in the telecommunications industry, including identifying dominant carriers in the local exchange and intralata interexchange telecommunications industry and defining the telecommunications market or markets, and in connection therewith may call and hold hearings, issue subpoenas to compel the attendance of witnesses and the production of papers and documents, and make findings of fact and decisions with respect to administering the provisions of this Act or the rules, orders, and other actions of the commission;

(3) to require the filing of such reports as the commission may direct from time to time;

(4) to require the maintenance of statewide average rates or prices of telecommunications service;

(5) to require that every local exchange area have access to interexchange telecommunications service, except that an interexchange telecommunications carrier must be allowed to discontinue service to a local exchange area if comparable service is available in the area and the discontinuance is not contrary to the public interest. This section does not authorize the commission to require an interexchange telecommunications carrier that has not provided services to a local exchange area during the

previous 12 months and that has never provided services to that same local exchange area for a cumulative period of one year at any time in the past to initiate services to that local exchange area; and

(6) to require the quality of interexchange telecommunications service provided in each exchange to be adequate to protect the public interest and the interests of customers of that exchange if the commission determines that service to a local exchange has deteriorated to the point that long distance service is not reliable.

(d) All providers of communications service described in Subsection (c) of this section who are providing such service to the public on the effective date of this Act shall register with the commission within 90 days of the effective date of this Act unless the provider has previously registered with the commission. All providers of communications service described in Subsection (c) of this section who commence such service to the public thereafter shall register with the commission within 30 days of commencing service. Such registration shall be accomplished by filing with the commission a description of the location and type of service provided, the cost to the public of such service, and such other registration information as the commission may direct.

Notwithstanding any other provision of this Act, an interexchange telecommunications carrier doing business in this state shall continue to maintain on file with the commission tariffs or lists governing the terms of providing its services.

(l) Notwithstanding any other provision of this Act, the commission may enter such orders as may be necessary to protect the public interest, including the imposition on any specific service or services of its full regulatory authority under Articles III through XI of this Act, if the commission upon complaint from another interexchange telecommunications carrier finds by a preponderance of the evidence upon notice and hearing that an interexchange telecommunications carrier has engaged in predatory pricing or attempted to engage in predatory pricing [~~conduct that demonstrates the ability to control prices in a manner adverse to the public interest~~].

(n) In any proceeding before the commission alleging conduct or activities by an interexchange telecommunications carrier against another interexchange carrier in contravention of Subsections (l), (m), and (o) of this section, the burden of proof shall be upon the complaining interexchange telecommunications carrier; however, in such proceedings brought by customers or their representatives who are not themselves interexchange telecommunications carriers or in such proceedings initiated by the commission [~~commission's general counsel~~], the burden of proof shall be upon the respondent interexchange telecommunications carrier. However, if the commission finds it to be in the public interest, the commission may impose the burden of proof in such proceedings on the complaining party.

(b) Sections 100 and 101, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), are repealed.

(2) In Section 3.07 of the bill (Committee Printing page 28, lines

22-44), strike amended Section 78 of Article 1446c and substitute the following:

Sec. 78. An assessment is hereby imposed upon each public utility within the commission's jurisdiction, including interexchange telecommunications carriers, serving the ultimate consumer equal to one-sixth of one percent of its gross receipts from rates charged the ultimate consumers in Texas for the purpose of defraying the costs and expenses incurred in the administration of this Act. ~~The legislature may [Hereafter the commission shall, subject to the approval of the Legislature;]~~ adjust this assessment to provide a level of income sufficient to fund the commission and the office of public utility counsel. ~~[Any interexchange telecommunications carrier found dominant as to any service market under Section 100(b) or filing a petition under Section 100(f) of this Act shall be required to reimburse the Office of Public Utility Counsel for the costs of participation before the commission on behalf of residential ratepayers in any of the proceedings under Section 100 of this Act to the extent found reasonable by the commission. Recovery of costs under this section by the Office of Public Utility Counsel shall not exceed \$175,000 per annum.]~~ Nothing in this Act or any other provision of law shall prohibit interexchange telecommunications carriers who do not provide local exchange telephone service from collecting the fee imposed under this Act as an additional item separately stated on the customer bill as "Utility Gross Receipts Assessment."

(3) In Article 7 of the bill (Committee Printing page 44, between lines 4 and 5), insert a new Section 7.06 to read as follows:

SECTION 7.06. Nothing in this Act shall be construed to abrogate any agreement specified in the February 2, 1990, Stipulation and Agreement in Public Utility Commission of Texas Docket No. 8585/8218 (Stipulation). Any flow through of access reductions by an interexchange telecommunications carrier which is required by said Stipulation shall provide reductions to each affected type of service in the same relative proportion as the annual access minutes of use billed to that type of service. Any interexchange telecommunications carrier required by the Stipulation to flow through access reductions resulting from Docket No. 8585/8218 shall deliver revised tariff sheets reflecting such flow through, together with supporting documentation, to the Public Utility Commission of Texas staff, for review and concurrence, within 60 days of implementation of the last rate reduction required by said Stipulation.

The amendment was read and was adopted by a viva voce vote.

#### RECORD OF VOTE

Senator Rosson asked to be recorded as voting "Nay" on the adoption of the amendment.

(President in Chair)

Senator Shapiro offered the following amendment to the bill:

#### Floor Amendment No. 11

Amend C.S.S.B. 498 by deleting SECTION 7.05 and substituting the following:

SECTION 7.05. Article XIII, The Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) is amended by adding Section 93A to read as follows:

Section 93A. (a) To address telephone calling needs between nearby telephone exchanges, the commission shall initiate a rulemaking proceeding to approve rules to provide for an expedited hearing to allow the expanding of toll free calling areas according to the following criteria:

(1) Toll free calling boundaries may only be expanded under this section after a petition signed by the lesser of 5 percent of the subscribers or 100 subscribers within an exchange. If such a petition is filed with the commission, then the commission shall order the local exchange company to provide for the balloting of its subscribers within the petitioning exchange and, if there is an affirmative vote by 70 percent of those responding, the commission shall consider the request.

(2) The commission shall provide for the expansion of toll free calling areas for each local exchange customer in the petitioning exchange if the petitioning exchange serves not more than 10,000 lines, and if:

(i) the petitioning exchange is located within 22 miles of the exchange requested for toll free calling service, or

(ii) the petitioning exchange shares a community of interest with the exchange requested for toll free calling service. For purposes of this section, "community of interest" includes areas that have a relationship because of schools, hospitals, local governments, business centers and other relationships the unavailability of which would cause a hardship to the residents of the area; but need not include an area where the affected central offices are more than 50 miles apart.

(3) The local exchange company shall recover all of its costs incurred and all loss of revenue from any expansion of toll free calling areas under this section through a request other than a revenue requirement showing by:

(i) a monthly fee for toll free calling service of not more than \$3.50 per line for residential customers nor more than \$7 per line for business customers, to be collected from all of the customers in the petitioning exchange and only until the local exchange company's next general rate case, and/or

(ii) a monthly fee for toll free calling service for all of the local exchange company's local exchange service customers in the state in addition to the company's current local exchange rates. A local exchange company may not recover regulatory case expenses under this section by surcharging petitioning exchange subscribers.

(b) The commission and a local exchange company are not required to comply with this section with regard to a petitioning exchange or petitioned exchange if:

(1) the commission determines that there has been a good and sufficient showing of a geographic or technological infeasibility to serve the area, or

(2) the local exchange company has less than 10,000 lines, or

(3) the petitioning or petitioned exchange is served by a cooperative, or

(4) extended area service or extended metropolitan service is currently available between the petitioning and petitioned exchange(s), or

(5) the petitioning or petitioned exchange is a metropolitan exchange. The commission may expand the toll free calling area into an exchange not within a metropolitan exchange but within the local calling area contiguous to a metropolitan exchange that the commission determines to have a community of interest relationship with the petitioning exchange. For the purposes of this section, metropolitan exchange, local calling area of a metropolitan exchange, and exchange have the same meanings and boundaries as currently defined and approved by the commission. However, under no circumstances shall a petitioning or petitioned exchange be split in the provision of a toll free calling area.

(c) The commission may, in order to promote the wide dispersion of pay telephones, either exempt such telephones from the provisions of this section or may change the rates to be charged from such telephones in an amount sufficient to promote this goal.

The amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

**Floor Amendment No. 12**

Amend C.S.S.B. 498 as follows:

On page 31, lines 41 through 50, strike the existing Subsection (b) and replace it with the following:

(b)(1) The commission shall have the authority over private pay telephone providers to investigate and prohibit the blocking of access by consumers to interexchange carriers and other telecommunications utilities for the completion of calls or for access to the operator services of the local exchange carrier serving the area where the private pay telephone is located. The commission may grant a temporary waiver for blocking if the private pay telephone provider demonstrates that unblocking could result in fraudulent use.

(2) Except as provided under Subsection (3), the commission shall have all necessary authority over private pay telephone providers and other telecommunications utilities to order just and reasonable compensation for intrastate dial-around calls if the commission finds such compensation to be in the public interest.

(3) Any compensation provided under Subsection (2) may not be paid until the private pay telephone provider certifies that the pay telephone is unblocked. The commission shall order compensation paid to a private pay telephone provider under this section to be refunded in full if the provider's pay telephone is found to be blocking access to a telecommunications utility other than the presubscribed operator services provider.

(4) This section applies notwithstanding Sec. 18(c) of this Act.

The amendment was read and was adopted by a viva voce vote.

Senator Shelley offered the following amendment to the bill:

**Floor Amendment No. 13**

Amend C.S.S.B. 498 page 40, Section 7.01, Section 91A, line 18, by deleting subsections (a) and (b) in their entirety and by adding the following:

(c) The commission may receive, monitor, and attempt to ~~[resolve]~~ mediate complaints relating to cellular telephone service ~~[or rates]~~ that have been submitted by cellular customers or carriers.

Renumber the subsections in Section 91A accordingly.

Amend C.S.S.B. 498 page 40, Section 7.01, Section 91B, Subsection (d), line 54, by deleting the words "and rates" as follows: "services ~~[and rates]~~ as prescribed by Section 91A of this Act."

The amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following amendment to the bill:

**Floor Amendment No. 14**

Amend C.S.S.B. 498 as follows:

(1) Strike Section 3.02 of the bill (Committee Printing page 22, lines 26-41), and substitute the following:

SECTION 3.02. Section 30, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 30. The regulatory authority may require an annual reporting from each utility company of all its expenditures for business gifts and entertainment, and institutional, consumption-inducing and other advertising or public relations expenses. The regulatory authority shall not allow as costs or expenses for rate-making purposes any of these expenditures which the regulatory authority determines not to be in the public interest. The cost of legislative-advocacy expenses shall not in any case be allowed as costs or expenses for rate-making purposes. Reasonable costs of participating in a proceeding under this Act and reasonable charitable or civic contributions may be allowed not to exceed the amount approved by the regulatory authority; provided that charitable and civic contributions allowed as costs or expenses for rate-making purposes may not exceed the amount that the utility's shareholders contribute to charitable and civic organizations either personally or through the shareholders' below-the-line expenses. The commission shall adopt reasonable rules requiring utility shareholders to report charitable and civic contributions that are used to satisfy the requirements of this section to determine compliance with this section.

(2) Strike amended Section 41(c)(3), Article 1446c (Committee Printing page 23, lines 42-65), and the subsequent language in Section 41, Article 1446c, and substitute the following:

(3) Expenses Disallowed. The regulatory authority shall not consider for ratemaking purposes the following expenses:

(A) legislative advocacy expenses, whether made directly or indirectly, including but not limited to legislative advocacy expenses included in trade association dues;

(B) payments, except those made under an insurance or risk-sharing arrangement executed before the date of loss, made to cover

costs of an accident, equipment failure, or negligence at a utility facility owned by a person or governmental body not selling power inside the State of Texas;

(C) costs of processing a refund or credit under Subsection (e) of Section 43 of this Act; or

(D) any expenditure found by the regulatory authority to be unreasonable, unnecessary, or not in the public interest, including but not limited to executive salaries, advertising expenses, legal expenses, and civil or administrative penalties or fines.

The regulatory authority may promulgate reasonable rules and regulations with respect to the allowance or disallowance of any expenses for ratemaking purposes. The commission shall adopt reasonable rules with respect to the allowance or disallowance of costs of participating in a proceeding under this Act.

The amendment was read.

Senator Turner offered the following amendment to Floor Amendment No. 14:

**Floor Amendment No. 15**

Amend Floor Amendment No. 14 to C.S.S.B. 498 by striking "either personally or" on line 22 of the amendment.

The amendment to Floor Amendment No. 14 was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to Floor Amendment No. 14:

**Floor Amendment No. 16**

Amend Floor Amendment No. 14 to C.S.S.B. 498 as follows:

(1) Strike Section 3.02 of the bill (Committee Printing page 22, lines 26-41), and substitute the following:

SECTION 3.02. Section 30, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 30. (a) The regulatory authority may require an annual reporting from each utility company of all its expenditures for business gifts and entertainment, and institutional, consumption-inducing and other advertising or public relations expenses. The regulatory authority shall not allow as costs or expenses for rate-making purposes any of these expenditures which the regulatory authority determines not to be in the public interest. The cost of legislative-advocacy expenses shall not in any case be allowed as costs or expenses for rate-making purposes. Reasonable costs of participating in a proceeding under this Act and, as provided by Subsection (b) of this section, reasonable charitable or civic contributions may be allowed not to exceed the amount approved by the regulatory authority.

(b) The commission by rule shall require each utility to annually include in each bill sent to a customer a ballot that lists the charities and civic organizations to which the utility intends to contribute during the succeeding 12-month period. The charities and civic organizations listed

on the ballot must be ethnically diverse and must be exempted from federal income taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)). A customer may indicate on the ballot the charities and civic organizations to which the customer would like the utility to contribute. To be eligible for consideration as a cost or expense for rate-making purposes, a contribution must be made in accordance with the ratio that the number of votes that the charity or organization received bears to the total number of votes that the utility received for all charities and organizations listed on the ballot. In addition, the charitable and civic contributions allowed as costs or expenses for rate-making purposes may not exceed the amount that the utility's shareholders, through the shareholders' below-the-line expenses, contribute to the charities listed on the ballot. The commission shall adopt reasonable rules requiring utility shareholders to report charitable and civic contributions that are used to satisfy the requirements of this section to determine compliance with this section.

(2) Strike amended Section 41(c)(3), Article 1446c (Committee Printing page 23, lines 42-65), and the subsequent language in Section 41, Article 1446c, and substitute the following:

(3) Expenses Disallowed. The regulatory authority shall not consider for ratemaking purposes the following expenses:

(A) legislative advocacy expenses, whether made directly or indirectly, including but not limited to legislative advocacy expenses included in trade association dues;

(B) payments, except those made under an insurance or risk-sharing arrangement executed before the date of loss, made to cover costs of an accident, equipment failure, or negligence at a utility facility owned by a person or governmental body not selling power inside the State of Texas;

(C) costs of processing a refund or credit under Subsection (e) of Section 43 of this Act; or

(D) any expenditure found by the regulatory authority to be unreasonable, unnecessary, or not in the public interest, including but not limited to executive salaries, advertising expenses, legal expenses, and civil or administrative penalties or fines.

The regulatory authority may promulgate reasonable rules and regulations with respect to the allowance or disallowance of any expenses for ratemaking purposes. The rules must provide that a utility's expenses relating to charitable and civic contributions shall be totally disallowed if the commission finds that the charitable and civic contributions claimed as expenses were not made in accordance with Section 30 of this Act. The commission shall adopt reasonable rules with respect to the allowance or disallowance of costs of participating in a proceeding under this Act.

The amendment to Floor Amendment No. 14 was read.

On motion of Senator Harris of Dallas and by unanimous consent, Floor Amendment No. 14 was withdrawn.

On motion of Senator Ellis and by unanimous consent, Floor Amendment No. 16 was withdrawn.

On motion of Senator Turner and by unanimous consent, Floor Amendment No. 15, previously adopted and amending Floor Amendment No. 14, was withdrawn.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 498 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 498 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ratliff.

The bill was read third time and was passed by a viva voce vote.

**STATEMENT OF LEGISLATIVE INTENT**

Senators Parker and Carriker submitted the following statement of legislative intent:

The language in C.S.S.B. 498 on page 77, lines 25 through 27, and page 78, lines 1 through 5, carries out the recommendation of the Sunset Commission by prohibiting local exchange carriers from imposing any restrictions which will limit the availability of central office based PBX type services to small businesses. The prohibited restrictions include, without limitation, restrictions based on the number of lines required by an individual end user, or the geographic relationship among small businesses who share a local exchange carrier's service(s). As the author of that recommendation, I understand the intent of this language is to ensure that small businesses may obtain, either on their own or through a third party sharing arrangement, all telecommunications facilities, services and features available to large businesses, and that they may do so without delay or discrimination.

PARKER  
CARRIKER

**MESSAGE FROM THE HOUSE**

House Chamber  
April 26, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 233**, Relating to establishing a minority doctoral incentive program.

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 44 ON SECOND READING**

Senator Harris of Dallas asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.J.R. 44**, Proposing a constitutional amendment providing for the issuance of general obligation bonds for the support of the Texas agricultural fund.

There was objection.

Senator Harris of Dallas then moved to suspend the regular order of business and take up **C.S.S.J.R. 44** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Rosson, Truan.

Absent-excused: Ratliff.

The resolution was read second time.

**SENATOR ANNOUNCED PRESENT**

Senator Ratliff, who had previously been recorded as "Absent-excused," was announced "Present."

Senator Ellis offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **C.S.S.J.R. 44** by striking all below the enacting clause and substituting the following:

SECTION 1. Article III, Section 49-i(b), of the Texas Constitution is amended to read as follows:

(b) The principal amount of bonds authorized to be issued and to be sold ~~[outstanding at one time]~~ may not exceed \$100 ~~[\$25]~~ million for the Texas agricultural fund and \$5 million for the rural microenterprise development fund.

SECTION 2. Article XVI of the Texas Constitution is amended by adding Section 73 to read as follows:

Sec. 73. (a) The legislature by law may establish a business start-up and small business development fund to be used without further appropriation solely in furtherance of a program established by the legislature to provide loans and loan guarantees to promote small business development, capital growth, and business start-up in the state. The fund shall contain a program account, an interest and sinking account, and other accounts authorized by the legislature. To carry out the program authorized by this subsection, the legislature may issue up to \$100 million of general obligation bonds to provide funding for the fund. The fund is

composed of the proceeds of the bonds authorized by this subsection, loan and loan guarantee fees and other amounts received from loans and loan guarantees made under this subsection, and any other amount required to be deposited in the fund by the legislature.

(b) The legislature may require review and approval of the issuance of bonds under this section, of the use of the bond proceeds, or of the rules adopted by an agency to govern use of the bond proceeds. Notwithstanding any other provision of this constitution, any entity created or directed to conduct this review and approval may include members, or appointees of members, of the executive, legislative, and judicial departments of state government.

(c) Bonds authorized under this section constitute a general obligation of the state. While any of the bonds or interest on the bonds is outstanding and unpaid, there is appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, the amount sufficient to pay the principal of and interest on the bonds that mature or become due during the fiscal year, less any amount in any interest and sinking account at the end of the preceding fiscal year that is pledged to payment of the bonds or interest.

SECTION 3. The constitutional amendment proposed by Section 1 of this joint resolution shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing up to \$100 million in general obligation bonds to finance the Texas agricultural fund for providing financial assistance to develop, increase, improve, or expand the production, processing, marketing, or export of crops or products grown or produced primarily in this state by agricultural businesses domiciled in the state."

SECTION 4. The constitutional amendment proposed by Section 2 of this joint resolution shall be submitted to the voters at an election to be held on November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing up to \$100 million in general obligation bonds to finance the business start-up and small business development fund for providing financial assistance to promote economic development, capital growth, and business start-up in the state."

The amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the resolution:

**Floor Amendment No. 2**

Amend C.S.S.J.R. 44 as follows:

(1) Amend the section heading of SECTION 1 of the resolution to read:

"Article III, Sections 49-i(a) and (b), of the Texas Constitution are amended to read as follows:";

(2) Amend SECTION 1 of the resolution by adding Subsection (a) of Section 49-i to read as follows:

"(a) The legislature by law may provide for the issuance of general

obligation bonds of the state by the Texas Department of Commerce for the purpose of providing money to establish a Texas agricultural fund in the state treasury to be used without further appropriation by the Texas Department of Commerce in the manner provided by law and for the purpose of providing money to establish a rural microenterprise development fund in the state treasury to be used without further appropriation by the Texas Department of Commerce in the manner provided by law. The Texas agricultural fund shall be used only to provide financial assistance to develop, increase, improve, or expand the production, processing, marketing, or export of crops or products grown or produced primarily in this state by agricultural businesses domiciled in the state. The rural microenterprise development fund shall be used only in furtherance of a program established by the legislature to foster and stimulate the creation and expansion of small businesses in rural areas. The financial assistance offered by the Texas Department of Commerce through both funds may include loan guarantees, insurance, coinsurance, loans, and indirect loans or purchases or acceptances of assignments of loans or other obligations.”; and

(3) In SECTION 2 of the resolution at the end of the ballot proposition language add the following before the period:  
“and transferring the administration of the agricultural development funds to the Department of Commerce”.

The amendment was read and failed of adoption by the following vote:  
Yeas 8, Nays 22.

Yeas: Barrientos, Carriker, Ellis, Luna, Parker, Rosson, Truan, West.

Nays: Armbrister, Bivins, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire, Zaffirini.

Absent: Brown.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment by a viva voce vote.

#### RECORD OF VOTES

Senators Barrientos and Truan asked to be recorded as voting “Nay” on the passage of the resolution to engrossment.

(Senator Parker in Chair)

#### COMMITTEE SUBSTITUTE

#### SENATE JOINT RESOLUTION 44 ON THIRD READING

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.J.R. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Luna, Parker, Rosson, Truan.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 710 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 710**, Relating to the responsibility of certain counties to provide health care services to eligible indigent residents.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **C.S.S.B. 710** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 121, Health and Safety Code, is amended by adding Subchapter F to read as follows:

**SUBCHAPTER F. COUNTY HEALTH DEPARTMENTS  
IN CERTAIN COUNTIES**

Sec. 121.061. APPLICATION OF SUBCHAPTER. (a) This subchapter applies only to a county with a population of at least 450,000 and in which a hospital district is not located.

(b) The provisions of this subchapter shall not be construed to alter the obligations of any municipality, county, public hospital or hospital district under Chapter 61, or other state or federal law except as provided in an agreement made by a county and a municipality under Section 121.063 (b) or to alter the obligations of any hospital under any state or federal laws that relate to the provision of emergency services.

Sec. 121.062. DEFINITIONS. In this subchapter, "county residents" means individuals living throughout the county, even if the individuals are also residents of a municipality within the county.

Sec. 121.063. COUNTY HEALTH DEPARTMENT: ASSUMPTION OF SERVICES OF MUNICIPALITY. (a) A county subject to this subchapter may establish a county health department to coordinate and provide health care services to eligible county residents.

(b) The county and each municipality that is located in whole or in part within the boundaries of the county and that provides health care services may agree through negotiation and after a majority vote of the governing body of the municipality and a majority vote of the county commissioners court for the county to provide any or all of the health services previously provided by the municipality, without regard to whether

the municipality is obligated to provide those services or is voluntarily providing them.

Sec. 121.064. PROVISION OF HEALTH CARE. (a) The county may furnish, directly through the county health department or by contract or other arrangement, medical and hospital care for the eligible county residents. The county may provide mental health, mental retardation, or public health services including public health education services.

(b) The county may provide, finance, organize, and arrange for the provision of health care to eligible county residents and to other individuals, groups, or government entities who contract with the county for health care services.

(c) The county may:

(1) authorize the county health department to perform its powers and duties under this subchapter directly;

(2) contract or enter into an interlocal agreement with a political subdivision or with a public or private provider, without regard to the provider's location;

(3) purchase or provide insurance; and

(4) administer or enter into an agreement for the administration of one or more managed care programs.

(d) This section does not affect the duty of any nongovernmental entity in the county to provide medical or hospital care to county residents. This section shall be construed so that it does not supersede or contradict any provision of the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).

Sec. 121.065. HEALTH CARE PRIORITY. In performing its powers and duties under this subchapter, a county shall place highest priority on the provision of primary care, public health education services, and prevention of sickness and accidents in the county.

Sec. 121.066. ELIGIBLE COUNTY RESIDENTS. (a) If an agreement between a county and a municipality is made under Section 121.063(b) the county shall adopt eligibility standards for determining whether an individual is an eligible county resident for receipt of health care services and shall adopt application, documentation, and verification procedures. These eligibility standards shall not exclude from eligibility nor reduce service levels to any individual who would have been eligible for health care services from that municipality or that county prior to an agreement that is made under Section 121.063(b).

(b) If a county resident who is covered by governmental or private health insurance would qualify as an eligible county resident if the resident was not covered by government or private health insurance coverage, the county may furnish health care to the resident to the extent the health care is not covered by the health insurance coverage if an agreement between a county and a municipality is made under Section 121.063(b).

(c) The county may implement a sliding scale requiring payment of a portion of the cost of health care provided to an eligible resident or other individual. The sliding scale must be based on the individual's family income and may not be set at a level that could prevent an eligible

indigent county resident from obtaining medical or hospital care. A county may contract with a municipality, another county or another political subdivision to provide health care services for individuals residing outside that county but residing within the boundaries of that municipality, county or political subdivision.

Sec. 121.067. PAYMENT OF HEALTH CARE SERVICES. (a) The county may collect the charges for medical, hospital, or other health care provided to the individual by the county under this subchapter from an individual who is not an eligible county resident, from a person liable for the individual's support, or from a person liable for the individual's illness or injury.

(b) The county may not collect directly from an eligible individual an amount in excess of the amount due for the service provided under a sliding scale adopted under Section 121.066.

(c) If the county finances or provides health care to a sick or injured individual who does not reside in the county but for whom there is another county, municipality, or public hospital that is responsible for the individual's care under Chapter 61, the responsible county, municipality, or public hospital shall reimburse the county for the health care provided.

(d) If the county finances or provides health care to a sick or injured individual who is confined in a jail facility that is not operated by the county and who was not a resident of the county before the confinement, the official that operates the jail facility shall reimburse the county for the charges for the health care services provided. If the county finances or provides health care to a sick or injured individual who is confined in a jail facility that is operated by the county and who was not a resident of the county before the confinement, the official that operates the jail facility may collect and shall reimburse the county for any health care charges that the official collects from other jurisdictions for these individuals.

Sec. 121.068. RESPONSIBILITY OF MUNICIPALITY. If an agreement between a county and a municipality is made under Section 121.063(b), except as provided by that agreement, the municipality may not provide health care services as defined in that agreement to eligible county residents, even if the individuals are also residents of the municipality. Unless specifically provided by the agreement, a municipality is not prohibited from receiving funds for and providing hospital care through funding a municipal hospital authority that provides hospital care to county residents.

Sec. 121.069. TRANSFER OF FUNCTIONS. (a) Not later than the 90th day after the date on which a county to which this subchapter applies initiates negotiations under Section 121.063(b), the county and each municipality that is located in the county and provides health care services shall identify all money the municipality expends on health-related matters within that portion of the municipality to be covered by the agreement with the county made under Section 121.063(b) and all money the county expends on health-related matters within the county.

(b) Not later than the 90th day after the initiation of negotiations and at 90-day intervals thereafter, the county shall report to the municipality

and the municipality shall report to the county their respective positions with respect to the negotiations.

(c) If the county and the municipality do not agree on the amount of money expended by the county and the municipality on health-related matters, the county and municipality shall submit the dispute to binding arbitration. Either party may compel the arbitration in accordance with the Texas General Arbitration Act, as amended, as if the dispute were an agreement described in Article 224, as amended.

(d) After an agreement has been reached under Section 121.063(b), the county and the municipality may provide for the transfer to the county of municipal employees engaged in the provision of health care or related services in that part of the municipality. Municipal employees transferred to a county under this subsection are entitled, on transfer, to at least the same wages paid by the municipality and to comparable employment benefits.

(e) Each municipality may transfer to the county any real or personal property that is:

(1) owned by the municipality;

(2) located in the county; and

(3) predominantly dedicated to the provision of health care or related services to county residents.

(f) If the terms of the lease permit assignment and the county agrees to the assignment, the municipality may also transfer to the county the rights and obligations of the municipality under any lease relating to real property that is:

(1) located in the county; and

(2) predominantly dedicated to the provision of health care or related services to county residents.

(g) If each party to the contract and assignment agrees, each municipality may assign its rights and obligations under any contract to which the municipality is a party and which is predominantly dedicated to the provision of health care or related supplies or services to the residents of the municipality if the municipality complied with Local Government Code, Chapter 252, in awarding the contract, and the county may accept the rights and obligations under these contracts without complying with Local Government Code, Chapter 262.

(h) If an agreement between a county and a municipality is made under Section 121.063(b), the municipality may not, except as provided by that agreement, enter into or renew any contract with any person for the provision of health care and related supplies or services for county residents after the commencement date of the agreement.

Sec. 121.070. MUNICIPAL TAX ROLLBACK. (a) If an agreement between a county and a municipality is made under Section 121.063(b), the municipality shall designate in the agreement the portion of the amount identified under Section 121.069(a) as attributable to any sales and use taxes imposed by the municipality and the remaining portion as attributable to property tax revenues.

(b) As an alternative to the municipality reducing its sales and use tax

and the county enacting a sales and use tax, the municipality may pay from its sales and use tax collections for the county to perform health services. The amount attributable to any sales and use taxes pursuant to paragraph (a) of this section shall be divided by the total sales and use tax collections of the municipality to calculate a sales and use tax reimbursement rate. The time period for such calculation of sales and use taxes shall be the same time period for which the amount of health-related expenditures was determined pursuant to Section 121.069(a). An agreement between a county and a municipality made under Section 121.063(b) shall contain a condition requiring that the municipality pay to the county from its sales and use tax collections the amount of such sales and use taxes which resulted from the application of the sales and use tax reimbursement rate to the municipality's total sales and use tax collections. The county may use such payments of sales and use taxes only for the provision of health care services to eligible county residents.

(c) Notwithstanding Chapter 321, Tax Code, within 30 days after approval of an agreement between a county and a municipality is made under Section 121.063(b) by both the county and the municipality, the municipality shall pass a resolution or order that reduces its sales and use tax rate by the same rate increment as the county proposes to adopt under Chapter 325, Tax Code, so that the reduction takes effect on a date agreed upon and specified in the agreement made under Section 121.063(b). A resolution or order under this subsection shall state the date of the approval of the agreement under Section 121.063(b), the date of the resolution, the amount of the reduction in the sales and use tax rate, if any, the effective date of the sales and use tax reduction, if any, and that the reduction, if any, results from the requirement for a reduction in tax collections under Section 121.070(b), Health and Safety Code. If the resolution results in a reduction in the sales and use tax rate, the municipal clerk shall send a copy of the resolution or order along with a map of the municipality that clearly shows its boundaries to the comptroller by United States certified or registered mail within 7 days after the resolution or order is approved by the municipality.

(d) The municipality shall reduce its last year's maintenance and operations expense in calculating its property rollback tax rate to reduce the municipality's maximum potential tax collections in an amount equal to the amount attributed to its property tax revenue under Subsection (a), Section 26.041 (a), Tax Code, governs the reduction of the property rollback tax rate under this subsection.

Sec. 121.071. DEDICATION OF COUNTY TAX INCREASE. If an agreement between a county and a municipality is made under Section 121.063(b), during the first year of the agreement, the county shall dedicate a portion of its total tax revenues for the provision of health care services to eligible county residents that is at least equal to the amount that the county and the municipality identified under Section 121.069(a).

Sec. 121.072. TIMELY AGREEMENT. An agreement under Section 121.063(b) must be made before January 1, 1995. An agreement made under Section 121.063(b) after January 1, 1995, has no force or effect.

Sec. 121.073. EXPIRATION OF SUBCHAPTER. If an agreement has not been made before January 1, 1995, this subchapter shall expire on January 2, 1995.

SECTION 2. Subtitle C, Title 3, Tax Code is amended by adding Chapter 325 to read as follows:

CHAPTER 325. HEALTH SERVICES SALES AND USE TAX  
FOR CERTAIN COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 325.001. COUNTY SALES AND USE TAX ACT APPLICABLE: EXCEPTION. Chapter 323, Subchapters A, C, D, and E and Section 323.101(d) apply to the tax authorized by this chapter in the same manner as that chapter applies to the tax authorized by that chapter.

SUBCHAPTER B. IMPOSITION OF TAX

Sec. 325.021. APPLICATION. This chapter applies to a county with a population of at least 450,000 in which a hospital district is not located and that has entered into an agreement with a municipality under Subchapter F, Chapter 121, Health and Safety Code.

Sec. 325.022. TAX AUTHORIZED. The commissioners court of a county to which this chapter applies may adopt or abolish the sales and use tax authorized by this chapter by order or resolution.

Sec. 325.023. TAX RATE. The rate prescribed for the tax authorized under this chapter shall be a multiple of one-fourth of one per cent and shall be the prescribed by a resolution or order of the county commissioners court.

Sec. 325.024. SALES AND USE TAX EFFECTIVE DATE. (a) The adoption or abolition of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives a notice of the order or resolution of the county commissioners court.

(b) If the comptroller determines that the effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next succeeding calendar quarter.

Sec. 325.025. EFFECT ON OTHER TAXES. Notwithstanding any other law, the imposition or abolition of a sales and use tax under this chapter does not affect the validity or rate of any other tax imposed by another political subdivision that has jurisdiction over territory located within the boundaries of the county.

SUBCHAPTER C. USE OF TAX REVENUE

Sec. 325.061. USE OF TAX REVENUE. Revenue from a tax imposed under this chapter may be used only to provide health services to county residents. The county imposing the tax may allocate part of the revenue to carrying out the county's duties under an agreement made with a municipality under Subchapter F, Chapter 121, Health and Safety Code.

SECTION 3. Section 26.04, Tax Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) This subsection applies to a taxing unit that has agreed by written

contract to transfer a distinct department, function, or activity to another taxing unit and discontinues operating that distinct department, function, or activity if the operation of that department, function, or activity in all or a majority of the territory of the taxing unit is continued by another existing taxing unit or by a new taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year in which a budget is adopted that does not allocate revenue to the discontinued department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the effective maintenance and operations rate of the unit is reduced by the amount of maintenance and operations tax revenue spent by the taxing unit to operate the department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate that department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit shall reduce last year's levy used for calculating the effective maintenance and operations rate of the unit by the amount of the revenue spent in the last full fiscal year in which the unit operated the discontinued department, function, or activity.

(1) This subsection applies to a taxing unit that had agreed by written contract to accept the transfer of a distinct department, function, or activity from another taxing unit and operates a distinct department, function, or activity if the operation of a substantially similar department, function, or activity in all or a majority of the territory of the taxing unit has been discontinued by another taxing unit, including a dissolved taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year after the other taxing unit discontinued the substantially similar department, function, or activity in which a budget is adopted that allocates revenue to the department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the effective maintenance and operations rate of the unit is increased by the amount of maintenance and operations tax revenue spent by the taxing unit that discontinued operating the substantially similar department, function, or activity to operate that department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate the discontinued department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit may increase last year's levy used to calculate the effective maintenance and operations rate by an amount not to exceed the amount of property tax revenue spent by the discontinuing unit to operate the discontinued department, function, or activity in the last full fiscal year in which the discontinuing unit operated the department, function, or activity.

SECTION 4. Section 26.04(e), Tax Code, is amended by adding subdivisions (5) and (6) to read as follows:

(5) In the year that a taxing unit calculates an adjustment under

Section 26.04(k) or (l), the unit shall publish a schedule that includes the following elements:

(A) the name of the unit discontinuing the department, function, or activity;

(B) the amount of property tax revenue spent by the unit listed under subdivision (A) to operate the discontinued department, function, or activity in the 12 months preceding the month in which the calculations required by this chapter are made; and

(C) the name of the unit that operates a distinct department, function, or activity in all or a majority of the territory of a taxing unit that has discontinued operating the distinct department, function, or activity.

(6) In the year following the year in which a taxing unit raised its rollback rate as required by Section 26.04(k) of this chapter, the taxing unit shall publish a schedule that includes the following elements:

(A) the amount of property tax revenue spent by the unit to operate the department, function, or activity for which the taxing unit raised the rollback rate as required by Section 26.04(k) of this chapter for the 12 months preceding the month in which the calculations required by this chapter are made; and

(B) the amount published by the unit in the preceding tax year under Section 26.04(e)(5)(B).

SECTION 5. The change in law made by this Act applies only to a taxing unit that adopts its tax rate on or after the effective date of this Act.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 710 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 710 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 63 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 63**, Relating to the regulation of mammography devices and the practice of mammography.

The bill was read second time.

Senator Shelley offered the following amendment to the bill:

Amend **C.S.H.B. 63** in SECTION 1, Sec. 401.430(g) by adding the following language before the end of the sentence:

and for patient notification, as appropriate.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 63 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 63** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**HOUSE CONCURRENT RESOLUTION 24  
ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**H.C.R. 24**, Encouraging the Texas Education Agency (TEA) to promote the use of the NRA's Eddie Eagle Gun Safety Program in our schools to help prevent firearms accidents among children.

The resolution was read second time and was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Luna asked to be recorded as voting "Nay" on the adoption of the resolution.

(Senator Henderson in Chair)

(President in Chair)

**HOUSE BILL 1078 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1078**, Relating to instruction in driver education courses on the dangers of operating a motor vehicle while intoxicated.

The bill was read second time.

On motion of Senator Nelson and by unanimous consent, further consideration of the bill was postponed to a time certain of 10:00 a.m. Monday, May 3, 1993.

Question—Shall the bill be passed to third reading?

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Henderson and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider the following bills tomorrow:

**S.B. 1405  
S.B. 1406  
S.B. 1407**

**SENATE RULE 5.14(a) SUSPENDED  
(Intent Calendar)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 5.14(a) was suspended, as it relates to bills and resolutions being placed on the Intent Calendar, to allow the following bills and resolutions to be placed on the Intent Calendar for tomorrow:

**S.J.R. 9  
S.J.R. 10  
C.S.S.B. 223  
C.S.S.B. 224  
C.S.S.B. 225**

**MEMORIAL RESOLUTIONS**

**S.R. 718** - By Harris of Tarrant: In memory of Luther Lee Weinbrenner of Fort Worth.

**S.R. 719** - By Wentworth: In memory of T. Kellis Dibrell of Seguin and San Antonio.

**S.R. 720** - By Wentworth: In memory of Caroline Shelton of San Antonio.

**S.R. 724** - By Turner: In memory of Dr. John Paul Abbott.

**S.R. 725** - By Turner: In memory of Roy Lee Headrick, Sr., of Georgetown.

**S.R. 726** - By Turner: In memory of Bobby Clay of Bryan.

**S.R. 732** - By Turner: In memory of Judge Wilbur Claude Davis, Jr., of Bryan.

**S.R. 733** - By Turner: In memory of Postmaster John Marks of Bryan.

#### CONGRATULATORY RESOLUTIONS

**S.C.R. 76** - By Montford: Recognizing Lamont Veatch, who is retiring as Executive Director of the Texas Association of Secondary School Principals.

**S.R. 706** - By Nelson: Congratulating the volunteers of the Texas Scholars Program for their initiative in effecting the program in the Northwest Independent School District.

**S.R. 707** - By Nelson: Recognizing Rachel Nan Hilliard, who has been selected as a 1993 Helene Fuld Health Fellow.

**S.R. 708** - By Zaffirini: Recognizing Dr. Leo Sayavedra of Laredo State University, who was selected as a 1993 Distinguished Alumnus of the University of North Texas.

**S.R. 709** - By Whitmire: Commending the Bricklayers and Allied Crafts Local 7 and its 100 years of service to its membership.

**S.R. 710** - By Barrientos: Honoring the Mexican American Comptroller Employees' Association on the occasion of its 10th anniversary as an active organization and its 10th annual Cinco de Mayo Fiesta.

**S.R. 711** - By Madla: Congratulating Andrew J. Flores on being named Student of the Week by the San Antonio Express-News.

**S.R. 712** - By Madla: Congratulating Vanessa Lynn Garcia on being selected as San Diego High School Student of the Week.

**S.R. 713** - By Madla: Recognizing Mary Alice Resendez for being selected as South San Antonio Independent School District's 1993 Teacher of the Year.

**S.R. 714** - By Madla: Congratulating Jeffrey E. Jimenez on being named Student of the Week by the San Antonio Express-News.

**S.R. 715** - By Madla: Congratulating Arturo Lugo of Somerset High School for his selection as Student of the Week.

**S.R. 716** - By Madla: Congratulating Stephanie Garcia on being named Student of the Week by the San Antonio Express-News.

**S.R. 717** - By Nelson: Congratulating Vicie Bowden of Stephenville on the occasion of her 100th birthday.

**S.R. 721** - By Sims: Congratulating Jana Neal on achieving the Girl Scout Gold Award.

**S.R. 722** - By West: Recognizing Brother J. D. Hall of the Dallas-Fort Worth area, who is being honored by the Phi Beta Sigma Fraternity, Incorporated.

**S.R. 723** - By Barrientos: Extending best wishes to the participants in the People to People Youth Science Exchange Program for an informative summer journey to Australia.

**S.R. 727** - By Turner: Recognizing George Sutherlan of Groesbeck for his 24 years of service as a director of the Limestone County Farm Bureau.

**S.R. 728** - By Turner: Congratulating Vernon Lazerus of Huntsville on receiving his deserved recognition for heroic actions during World War II.

**S.R. 729** - By Turner: Recognizing Bill Avrett, who has been selected for the Citizen of the Year Award by the Rockdale Chamber of Commerce.

**S.R. 730** - By Turner: Congratulating Mr. and Mrs. Jack Godwin of Bryan on the occasion of their 51st wedding anniversary.

**S.R. 731** - By Turner: Recognizing Alcoa's Rockdale Operations, which was selected as the Organization of the Year by the Rockdale Chamber of Commerce.

**S.R. 734** - By Turner: Recognizing Mount Pleasant Baptist Church of Grimes County on the occasion of its 125th anniversary.

**S.R. 735** - By Turner: Congratulating the Texas Aggie Band on the occasion of its 100th anniversary.

**S.R. 736** - By Nelson: Congratulating Mr. and Mrs. Waldon G. Huddleston of Springtown on the occasion of their 50th wedding anniversary.

**S.R. 737** - By Nelson: Recognizing Brady Taylor of Azle, who earned a second-place award in a national photography competition sponsored by the Boys and Girls Clubs of America and American Express.

#### ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 1:53 p.m. adjourned until 11:00 a.m. tomorrow.

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#### APPENDIX

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#### REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

##### April 23, 1993

NATURAL RESOURCES — C.S.S.B. 1208, C.S.S.B. 988, S.B. 655, S.B. 901, S.B. 987

ECONOMIC DEVELOPMENT — C.S.S.B. 223, C.S.S.B. 224, C.S.S.B. 225

ADMINISTRATION — H.C.R. 23, H.C.R. 101, S.C.R. 72, C.S.S.C.R. 46, C.S.S.B. 706

##### April 26, 1993

SUBCOMMITTEE ON ELECTIONS AND ETHICS — C.S.S.B. 1005

ECONOMIC DEVELOPMENT — C.S.S.B. 642

FINANCE — C.S.S.J.R. 49

STATE AFFAIRS — H.B. 5, H.B. 1581, S.B. 252, S.B. 1072,  
C.S.S.B. 31, C.S.S.B. 1133, C.S.S.B. 646, C.S.S.B. 1010

HEALTH AND HUMAN SERVICES — C.S.S.B. 953, C.S.S.B. 621

SUBCOMMITTEE ON ELECTIONS AND ETHICS — H.B. 961,  
H.B. 638

STATE AFFAIRS — C.S.S.B. 494

**FIFTY-FOURTH DAY**  
(Tuesday, April 27, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Rosson.

A quorum was announced present.

The Reverend John R. Pitts, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Heavenly Father, help us this day to know Your will, accept Your will, and to do Your will. Help us to have eyes that see, ears that hear, and hearts which are open to Your directing of our lives. Help us to assist one another and the people of this great state to make this a better place. We lift up these prayers and ourselves to You through Your son, Jesus Christ. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

On motion of Senator Truan, Senator Rosson was granted leave of absence for today on account of illness.

**CO-AUTHORS OF SENATE BILL 1142**

On motion of Senator Moncrief and by unanimous consent, Senators Zaffirini and Harris of Tarrant will be shown as Co-authors of S.B. 1142.

**GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate the Mayor of Houston, Bob Lanier.

The Senate welcomed Mayor Lanier.